

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

JAMES ESTRELLO,	§	
	§	
v.	§	Civil Action No. 4:22-cv-765-SDJ-KPJ
	§	
UNITED STATES OF AMERICA	§	
	§	

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On April 28, 2023, the Magistrate Judge entered proposed findings of fact and a recommendation (the “Report”), (Dkt. #21), that Defendant United States of America’s (“Defendant”) Motion to Dismiss (the “Motion”), (Dkt. #15), be granted in part and denied in part. The Magistrate Judge further recommended that this matter be transferred to the Northern District of Texas.


Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s Report as the findings and conclusions of the Court.

It is therefore **ORDERED** that the Motion, (Dkt. #15), is **GRANTED IN PART** and **DENIED IN PART** as follows: **GRANTED** to the extent Defendant seeks to assert that venue is improper in the Eastern District of Texas and **DENIED** to the

extent Defendant seeks to dismiss Plaintiff James Estrello's claims under Rule 12(b)(3) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that this matter be transferred to the Northern District of Texas.

So ORDERED and SIGNED this 26th day of May, 2023.


SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE